

CLASS B RECYCLING GENERAL APPROVAL CHECKLIST

Subchapter 2 Annual fees for a general or limited approval to operate a recycling center for Class B recyclable material.

7:26A-2.1 Fees for general approval

- (a) The following apply to the application fee for general approval:
 - 1. All applicants for a general approval to operate a recycling center for Class B recyclable material shall submit an application fee of \$5,892 at the time of application.

FOR REFERENCE ONLY

- (b) The following apply to the annual fee for general approval:
 - 1. All persons who possess a general approval to operate a recycling center for Class B recyclable material shall be billed an annual fee of \$6,067 on May 1 for each fiscal year beginning on July 1 and ending on June 30. The fee is payable within 30 days of billing. For newly approved recycling centers, the first annual fee is due on the first May 1 immediately following the issuance of the general approval.

7:26A-2.3 Payment of fees

- (a) Payment of all fees shall be made by check or money order, payable to "Treasurer, State of New Jersey".

FOR REFERENCE ONLY

SUBCHAPTER 3 Approval of Recycling Centers for Class B Recyclable Materials

7:26A-3.1 General requirements applicable to all recycling centers which receive, store, process or transfer Class B recyclable material

- (a) No recycling center shall receive, store, process or transfer any Class B recyclable material without the prior written approval of the Department. The procedures for obtaining approval are set forth at N.J.A.C. 7:26A-3.2, 3.4, 3.5, and 3.8. All persons issued a general approval to operate a recycling center for Class B recyclable material pursuant to this subchapter shall comply with all conditions of the approval.

SUBCHAPTER 3 Approval of Recycling Centers for Class B Recyclable Materials

7:26A-3.1 General requirements applicable to all recycling centers which receive, store, process or transfer Class B recyclable material

- (e) Prior to filing an application with the Department for recycling center general approval, and concurrent with or subsequent to filing for inclusion in the applicable district Solid Waste Management Plan, the applicant shall publish a notice in a newspaper of general circulation within the host municipality which indicates that the applicant will apply to the county for inclusion of a recycling center in the solid waste management plan of the district in which the recycling center is located and will apply to the Department for recycling center approval. The notice shall include the following:
 - 1. The name of the proposed recycling center, the name of the owner or operator of the proposed recycling center and the nature of the project;
 - 2. The generally recognized address of the proposed recycling center, as well as the block and lot of the proposed recycling center;
 - 3. An indication that a copy of the application for county plan inclusion may be examined at the office of the solid waste or recycling coordinator of the county in which the recycling center is located or at the applicable municipal clerk's office; and
 - 4. An indication that comments regarding the application for county plan inclusion can be made at the public hearing which shall be held by the board of chosen freeholders, submitted to the county clerk's office or submitted to the office of the solid waste or recycling coordinator of the county in which the recycling center is located.
- (f) The notice shall be published two times by the applicant with the second publication being no less than 15 days prior to the public hearing held by the applicable board of chosen freeholders. The applicant shall forward a copy of the notice to the New Jersey Department of Environmental Protection, Division of Solid and Hazardous Waste, and to the municipality in which the recycling center will be operating, upon its publication.

7:26A-3.2 Application procedure for general approval to operate a recycling center for the receipt, storage, processing, or transfer of Class B recyclable material

- (a) Prior to the receipt, storage, processing or transfer of any Class B recyclable materials at a recycling center, the owner or operator of the recycling center shall submit to the Department the information set forth in this subsection. All maps of the proposed recycling center shall be prepared in a manner and format consistent with N.J.A.C. 7:1E, Appendix C. The applicant shall submit a minimum of three complete sets of the application.
- 1. The name, address and telephone number of the person or persons seeking to own and operate the proposed recycling center, and the address of the recycling center if different from the above;

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- (a) Prior to the receipt, storage, processing or transfer of any Class B recyclable materials at a recycling center, the owner or operator of the recycling center shall submit to the Department the information set forth in this subsection. All maps of the proposed recycling center shall be prepared in a manner and format consistent with N.J.A.C. 7:1E, Appendix C. The applicant shall submit a minimum of three complete sets of the application.
2. A description of the geographical location of the recycling center identified by the name of the municipality in which the recycling center is located, by a tax map showing the lot and block numbers of the recycling center site and of all adjoining properties, and by a zoning map showing the current land use of the recycling center site and of all adjoining properties;

7:26A-3.2 Application procedure for general approval to operate a recycling center for the receipt, storage, processing, or transfer of Class B recyclable material.

- (a) Prior to the receipt, storage, processing or transfer of any Class B recyclable materials at a recycling center, the owner or operator of the recycling center shall submit to the Department the information set forth in this subsection. All maps of the proposed recycling center shall be prepared in a manner and format consistent with N.J.A.C. 7:1E, Appendix C. The applicant shall submit a minimum of three complete sets of the application.
3. A listing, by name, address and telephone number, of all persons owning five percent or more of corporation stock in the recycling center, or a listing of the general or limited partners where applicable. In the case where no persons own five percent or more of corporation stock in the recycling center, the names of the corporation principals shall be listed. The owner or operator of the recycling center shall list any intra-corporate relationships between the recycling center and any solid waste hauler or disposal operation registered with the Department;

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- (a) Prior to the receipt, storage, processing or transfer of any Class B recyclable materials at a recycling center the owner or operator of the recycling center shall submit to the Department the information set forth in this subsection. All maps of the proposed recycling center shall be prepared in a manner and format consistent with N.J.A.C. 7:1E, Appendix C. The applicant shall submit a minimum of three complete sets of the application.
- 4. A listing of the material or materials, including the types of any reasonably anticipated contaminants, to be received, stored, processed or transferred at the recycling center;

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- (a) Prior to the receipt, storage, processing or transfer of any Class B recyclable materials at a recycling center, the owner or operator of the recycling center shall submit to the Department the information set forth in this subsection. All maps of the proposed recycling center shall be prepared in a manner and format consistent with N.J.A.C. 7:1E, Appendix C. The applicant shall submit a minimum of three complete sets of the application.
- 5. The maximum amount of each material, including contaminants, to be received, stored, processed or transferred at the recycling center per day, expressed in tons, cubic yards, cubic feet or gallons per day. Those persons specifying this information in cubic yards per day shall also indicate the conversion ratio of the materials from cubic yards to tons;

7:26A-3.2 Application procedure for general approval to operate a recycling center for the receipt, storage, processing, or transfer of Class B recyclable material

- (a) Prior to the receipt, storage, processing or transfer of any Class B recyclable materials at a recycling center, the owner or operator of the recycling center shall submit to the Department the information set forth in this subsection. All maps of the proposed recycling center shall be prepared in a manner and format consistent with N.J.A.C. 7:1E, Appendix C. The applicant shall submit a minimum of three complete sets of the application.
- 6. A listing of all products and residue resulting from the proposed recycling activities, and the amount of such products and residue expressed in tons, cubic yards, cubic feet or gallons per day. Those persons specifying this information in cubic yards per day shall also indicate the conversion ratio of the material from cubic yards to tons;

7:26A-3.2 Application procedure for general approval to operate a recycling center for the receipt, storage, processing, or transfer of Class B recyclable material

- (a) Prior to the receipt, storage, processing or transfer of any Class B recyclable materials at a recycling center, the owner or operator of the recycling center shall submit to the Department the information set forth in this subsection. All maps of the proposed recycling center shall be prepared in a manner and format consistent with N.J.A.C. 7:1E, Appendix C. The applicant shall submit a minimum of three complete sets of the application.
- 7. The name, address and telephone number of planned end-markets for the materials received, stored, processed or transferred by the recycling center.
 - i. End-market contracts or agreements shall be submitted as evidence of the applicant's ability to sell the products resulting from the proposed activities of the recycling center;
 - ii. Where end-market contracts or agreements are not available at the time of application for a general approval to operate a recycling center, the applicant shall submit letters of interest from prospective end-market users of the products resulting from the applicant's recycling operation. Letters of interest may be based on information provided by the applicant to prospective end-markets such as a description of the equipment to be used at the recycling center and the specifications of the products resulting from recycling center operation;

7:26A-3.2 Application procedure for general approval to operate a recycling center for the receipt, storage, processing, or transfer of Class B recyclable material

- (a) Prior to the receipt, storage, processing or transfer of any Class B recyclable materials at a recycling center, the owner or operator of the recycling center shall submit to the Department the information set forth in this subsection. All maps of the proposed recycling center shall be prepared in a manner and format consistent with N.J.A.C. 7:1E, Appendix C. The applicant shall submit a minimum of three complete sets of the application.
- 8. A description, including manufacturer's specification sheets, of all equipment to be utilized for the receipt, storage, processing or transferring of each Class B recyclable material received, stored, processed or transferred, including the name of the equipment manufacturer, model number and operating capacity of the equipment.

Also, a written statement by the applicant that no Class B recyclable material will be received, stored, processed, or transferred at the recycling center until the equipment identified by the applicant is installed or situated at the recycling center site;

7:26A-3.2 Application procedure for general approval to operate a recycling center for the receipt, storage, processing, or transfer of Class B recyclable material

- (a) Prior to the receipt, storage, processing or transfer of any Class B recyclable materials at a recycling center, the owner or operator of the recycling center shall submit to the Department the information set forth in this subsection. All maps of the proposed recycling center shall be prepared in a manner and format consistent with N.J.A.C. 7:1E, Appendix C. The applicant shall submit a minimum of three complete sets of the application.
- 9. A site plan map, prepared, signed and sealed in accordance with N.J.S.A. 45:8-35.1 et seq. by a licensed professional engineer or surveyor,

which identifies (plots) the placement of all equipment, buildings, activities and areas related to the receipt, storage, processing and transferring of all unprocessed and processed recyclable materials.

This site plan shall also:

- i. Be drawn to a scale no smaller than one inch equals 100 feet;
- ii. Indicate the routing of vehicles between the recycling center and all nearby roadways serving the site, as well as the traffic flow within the site, and indicate the provisions incorporated into the site plan to ensure safe efficient vehicular and pedestrian circulation, parking, loading and unloading;

- iii. Delineate the floodplain as defined at N.J.A.C. 7:13-1.2;
- iv. Delineate the incidence of wetlands, New Jersey Pinelands, prime agricultural lands, historic sites (where applicable) and other environmentally sensitive areas;
- v. Identify the direction of water runoff both on and off-site and the control measures to be used to control storm water run-off and drainage.

and the screening and landscaping provisions which may be incorporated at the site;

- vi. Indicate topographic contours drawn at two-foot intervals;

- vii. Indicate the location and dimensions, in feet, of the unprocessed and processed materials stockpile areas.

Also, based on this information, the total cubic yard storage capacity of the unprocessed and processed materials stockpile areas shall be indicated. The applicant shall also indicate whether the applicant wishes to reserve the right to use unprocessed material stockpile space as processed material stockpile space in certain instances; and

A buffer zone of at least 25 feet must be maintained between the stockpiles and the property line. The buffer zone is to allow for access to the pile and for emergency equipment.

- viii. Indicate the site access controls to be employed at the recycling center;

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- (a) Prior to the receipt, storage, processing or transfer of any Class B recyclable materials at a recycling center, the owner or operator of the recycling center shall submit to the Department the information set forth in this subsection. All maps of the proposed recycling center shall be prepared in a manner and format consistent with N.J.A.C. 7:1E, Appendix C. The applicant shall submit a minimum of three complete sets of the application.
- 10. An original 7.5 minute USGS Quadrangle map which includes the boundary of the recycling center plotted on the map. The map shall delineate any public access roads to the site and any streams or ponds and sensitive receptors (for example, hospitals, schools, playgrounds, homes, etc.) within a one-half mile radius of the site;

7:26A-3.2 Application procedure for general approval to operate a recycling center for the receipt, storage, processing, or transfer of Class B recyclable material

- (a) Prior to the receipt, storage, processing or transfer of any Class B recyclable materials at a recycling center, the owner or operator of the recycling center shall submit to the Department the information set forth in this subsection. All maps of the proposed recycling center shall be prepared in a manner and format consistent with N.J.A.C. 7:1E, Appendix C. The applicant shall submit a minimum of three complete sets of the application.
- 11. A copy of the deed of record establishing ownership of the recycling center property or, if the applicant is other than the landowner, a legal agreement (for example, a legal lease agreement) to use the real property in question for the intended purpose;

7:26A-3.2 Application procedure for general approval to operate a recycling center for the receipt, storage, processing, or transfer of Class B recyclable material

- (a) Prior to the receipt, storage, processing or transfer of any Class B recyclable materials at a recycling center, the owner or operator of the recycling center shall submit to the Department the information set forth in this subsection. All maps of the proposed recycling center shall be prepared in a manner and format consistent with N.J.A.C. 7:1E, Appendix C. The applicant shall submit a minimum of three complete sets of the application.
- 12. A description of the design capacity of the recycling center setting forth the number and types of vehicles bringing material to the recycling center for receipt, storage or processing, and the number and types of vehicles transferring products and residue from the site on a daily basis;

7:26A-3.2 Application procedure for general approval to operate a recycling center for the receipt, storage, processing, or transfer of Class B recyclable material.

- (a) Prior to the receipt, storage, processing or transfer of any Class B recyclable materials at a recycling center, the owner or operator of the recycling center shall submit to the Department the information set forth in this subsection. All maps of the proposed recycling center shall be prepared in a manner and format consistent with N.J.A.C. 7:1E, Appendix C. The applicant shall submit a minimum of three complete sets of the application.
- 13. A copy of a New Jersey air pollution control permit application required pursuant to N.J.A.C. 7:27-8.2(a)1 where applicable;

7:26A-3.2 Application procedure for general approval to operate a recycling center for the receipt, storage, processing, or transfer of Class B recyclable material

- (a) Prior to the receipt, storage, processing or transfer of any Class B recyclable materials at a recycling center, the owner or operator of the recycling center shall submit to the Department the information set forth in this subsection. All maps of the proposed recycling center shall be prepared in a manner and format consistent with N.J.A.C. 7:1E, Appendix C. The applicant shall submit a minimum of three complete sets of the application.
- 14. A written narrative explanation of the recycling center operation from the receipt of recyclable materials to the point of transfer of end-products;

7:26A-3.2 Application procedure for general approval to operate a recycling center for the receipt, storage, processing, or transfer of Class B recyclable material

- (a) Prior to the receipt, storage, processing or transfer of any Class B recyclable materials at a recycling center, the owner or operator of the recycling center shall submit to the Department the information set forth in this subsection. All maps of the proposed recycling center shall be prepared in a manner and format consistent with N.J.A.C. 7:1E, Appendix C. The applicant shall submit a minimum of three complete sets of the application.
- 15. Documentation establishing that the recycling center is included in the solid waste management plan of the solid waste management district within which the recycling center is located; and

7:26A-3.2 Application procedure for general approval to operate a recycling center for the receipt, storage, processing, or transfer of Class B recyclable material

- (a) Prior to the receipt, storage, processing or transfer of any Class B recyclable materials at a recycling center, the owner or operator of the recycling center shall submit to the Department the information set forth in this subsection. All maps of the proposed recycling center shall be prepared in a manner and format consistent with N.J.A.C. 7:1E, Appendix C. The applicant shall submit a minimum of three complete sets of the application.
16. An operations plan which shall include, at a minimum, the following:
- i. Hours of operation of the recycling center;
 - ii. An incoming materials specification sheet which shall be provided to all persons bringing, delivering or sending Class B recyclable material to the recycling center and which shall include the following information:
 - (1) A listing of the source separated materials to be received by the recycling center;
 - (2) The size, weight, or other restrictions regarding materials to be received; and
 - (3) A notice that vehicles delivering materials to the recycling center will be inspected and, if found to contain more than allowable amounts of contaminants as specified per N.J.A.C. 7:26A-3.5(e)3i, will be barred from offloading vehicle payload; and
 - (4) A notice that persons bringing materials to the recycling center shall certify the amount of material per load, the municipality of origin of that material, and other information contained on the Recyclable Materials Receipt Form.

- iii. A Recyclable Materials Receipt Form which shall be provided to all persons bringing recyclable material to the recycling center and which shall maintain the following information for each vehicle delivering recyclable material to the recycling center:
 - (1) The amount of source separated recyclable material received, expressed in tons, cubic yards, cubic feet, or gallons. Those persons specifying this information in cubic yards shall also indicate the conversion ratio of the materials from cubic yards to tons;
 - (2) The municipality of origin of the material received;
 - (3) The name of the person bring source separated recyclable materials to the facility;
 - (4) The vehicle license plate number, NJDEP registration number, if an NJDEP registered vehicle is used and EPA ID number, if an EPA registered vehicle is used; and
 - (5) A certification, to be completed and signed by the person delivering recyclable material to the recycling center at the time of delivery, that the information contained on the Recyclable Materials Receipt Form is true, accurate and complete.
- iv. An incoming materials inspection plan which shall detail the manner by which all vehicles entering the facility with recyclable materials to be stored, processed or transferred will be inspected to determine the contents of the vehicle payload area, including the incidence of or extent of contaminants which may be present in the truckload of recyclable materials received.

7:26A-3.2 Application procedure for general approval to operate a recycling center for the receipt, storage, processing, or transfer of Class B recyclable material

(b) The information required pursuant to (a) above shall be accompanied by the written certification in (b)1 below.

1. "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I understand that, in addition to criminal penalties, I may be liable for a civil administrative penalty pursuant to N.J.A.C. 7:26-5 and that submitting false information may be grounds for denial, revocation or termination of any solid waste facility permit or vehicle registration for which I may be seeking approval or now hold."

2. The certification in (b)1 above shall be signed by the applicant as follows:

- i. For a corporation, by a principal executive officer of at least the level of vice president;
- ii. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
- iii. For a municipality, county, State, Federal or other public agency, by either a principal executive officer or ranking elected official.

7:26A-3.2 Application procedure for general approval to operate a recycling center for the receipt, storage, processing, or transfer of Class B recyclable material

- (c) One original and two copies of the information required pursuant to (a) above shall be submitted to:

New Jersey Department of Environmental Protection
Division of Solid and Hazardous Waste
CN 414
Trenton, NJ 08625-0414

- (d) One copy of the information required pursuant to (a) above shall be submitted by the applicant to the solid waste or recycling coordinator of the county in which the recycling center is located. The applicant shall also forward one copy of the information required pursuant to (a) above to the municipal clerk of the municipality in which the recycling center is located. The applicant may delete confidential end-market information, required pursuant to (a)7 above, from these submittals.
- (e) Every owner or operator of a recycling center for the receipt, storage, processing or transfer of Class B recyclable material seeking approval pursuant to this subchapter shall submit a fee as required by N.J.A.C. 7:26A-2.
- (f) All persons who seek a general approval to operate a recycling center for tires, tree stumps, tree parts or wood waste pursuant to this subchapter shall also comply with the requirements at N.J.A.C. 7:26A-3.8.

7:26A-3.4 Supplemental requirements for a general approval

- (a) Prior to the issuance of a general approval to operate a recycling center for the receipt, storage, processing or transfer of Class B recyclable materials, and where the Department determines that additional information is needed to adequately address public or environmental health, safety or welfare, the applicant shall submit the additional information requested by the Department.

7:26A-3.4 Supplemental requirements for a general approval

- (b) Prior to the receipt of Class B recyclable materials and commencement of operations at the recycling center, the applicant must receive all other applicable local, State, or Federal permits or approvals.

7:26A-3.4 Supplemental requirements for a general approval

- (c) Prior to issuance of approval to operate a recycling center, the Department may require an applicant to obtain and submit to the Department a performance bond or letter of credit in an amount determined by the Department as necessary to effectuate the proper removal, transportation and disposition of all materials which may be abandoned on a recycling center site. The criteria to be evaluated by the Department to determine if a performance bond or letter of credit is needed, and to be used in establishing the performance bond or letter of credit amount, are the following:
1. The history of enforcement actions taken by the Department against the applicant involving violations of any environmental statutes of the State, of the Department's solid waste management rules, N.J.A.C. 7:26, of this Chapter, and of all other rules contained in Title 7 of the New Jersey Administrative Code, and the history of enforcement actions taken by the State, county or local government or any political subdivision of the State, county or local government;
 2. The current cost of disposal, including site preparation and transportation costs, at a permitted solid waste facility which would receive the materials which may be abandoned on a site based on the maximum storage capacity of the recycling center;
 3. The amount of material to be received, stored, processed or transferred at the recycling center over the duration of the general approval;
 4. The types of materials to be received, stored, processed or transferred at the recycling center;
 5. Whether the lease agreements related to property or equipment are less than three years in duration;
 6. Whether the lease agreements related to property or equipment restrict the operation of the proposed recycling center;
 7. An analysis of the stability of end-markets for the Class B recyclable material received, stored, processed or transferred at the recycling center, which analysis shall consider the following:
 - i. The length of time the end-market has been in business;
 - ii. The length of time the end-market has been accepting the Class B recyclable material and using it as a raw material in a manufacturing process; and
 - iii. The number of end-markets in New Jersey, nationally and internationally which accept the Class B recyclable material in question.

7:26A-3.5 General approval

- (b) Within 90 days of issuance of the letter of administrative completeness, the Department will issue a general approval to operate a recycling center for a period not to exceed five years where the Department determines the following:
1. That the applicant meets the criteria for a general approval of N.J.A.C. 7:26A-3; and
 2. That the applicant fails to meet any of the criteria for denial or revocation of a general approval set forth at N.J.A.C. 7:26A-3.11 and 3.12.

OR, ALTERNATIVELY

- (c) Within 90 days of the issuance of the letter of administrative completeness, the Department will issue a letter of denial of the application to operate a recycling center where the Department determines the following:
1. That the application fails to meet the criteria for a general approval of N.J.A.C. 7:26A-3; or
 2. That the applicant meets any of the criteria for denial or revocation of a general approval set forth at N.J.A.C. 7:26A-3.11 and 3.12.